

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

HARVEY B. SEAY, JR.,

Petitioner

VS.

VAN PEAVY,

Respondent

NO. 5:05-CV-333 (CAR)

PROCEEDINGS UNDER 28 U.S.C. §2254  
BEFORE THE U. S. MAGISTRATE JUDGE

**ORDER**

Petitioner HARVEY B. SEAY, JR. has filed a [Motion for a] Writ of Mandamus (Tab #9) in which he seeks relief that cannot be afforded him in the above-captioned habeas corpus action. If he wishes to pursue his request for mandamus relief, he must proceed in a new lawsuit and must pay the required filing fee of \$250.00 or seek permission to proceed without the prior payment of the filing fee.

Accordingly, petitioner's motion (Tab #7) is DENIED.

SO ORDERED AND DIRECTED, this 22<sup>nd</sup> day of SEPTEMBER, 2005.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE